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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-second session

SUMMARY RECORD OF THE 563rd MEETING

Held at Headquarters, New York,
on Wednesday, 24 March 1993, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

Participation of non-member States

General exchange of views (continued)

Question of early review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (continued)

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The meeting was called to order at 10.30 a.m.

PARTICIPATION OF NON-MEMBER STATES

1. The CHAIRMAN said that the Libyan Arab Jamahiriya, the Republic of Korea and Portugal had requested to participate in the work of the Subcommittee and recalled that it was the prerogative of the Committee on the Peaceful Uses of Outer Space to grant observer status. He suggested that the Subcommittee should not adopt a formal decision in that regard but that, if he heard no objections, the representatives of the three countries should be authorized to attend the formal meetings of the Subcommittee and, if they wished to make a statement, address their requests to the Chairman.

It was so decided.

GENERAL EXCHANGE OF VIEWS (continued)

2. Mr. TELLES RIBEIRO (Brazil) welcomed the adoption by consensus of General Assembly resolution 47/68, entitled "Principles Relevant to the Use of Nuclear Power Sources in Outer Space", and said that the international community would certainly benefit from that resolution. With regard to the question of early review and possible revision of the Principles, referred to in paragraph 4 (a) of Assembly resolution 47/67, Brazil had noted with interest the working paper submitted by the United Kingdom at the thirtieth session of the Scientific and Technical Subcommittee (A/AC.105/C.1/L.187), in particular the idea of incorporating the question of space debris in the conceptual framework of the Principles; that question should be included in the agenda of the Scientific and Technical Subcommittee. Consideration should also be given to the observation made by the delegation of Canada at the same session that the revision of the Principles should be conducted with a view to increasing the level of safety that they provided.

3. With regard to the consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries, his delegation hoped that the fruitful exchange of views on document A/AC.105/C.2/L.187, submitted at the thirty-second session of the Subcommittee, would continue.

4. Mr. ORDZHONIKIDZE (Russian Federation) said that the expansion of outer space exploration activities, in which a growing number of countries was taking part, had increased States' interest in the progressive development of space law as the basis for international cooperation for the peaceful uses of outer space. Many States and groups of States had their own, objectively determined interests, and a constructive spirit should be adopted when considering solutions to those questions.

5. The Russian Federation welcomed the General Assembly's adoption of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and it would respect them in its practical activities, since it was aware of the responsibilities of States that had experience in the use of such sources of energy. His delegation considered that the Principles could be revised, in particular in order to keep abreast of scientific developments. However, the

(Mr. Ordzhonikidze, Russian Federation)

revision of the Principles could begin only after thorough preparatory work had been conducted, inter alia, within the Scientific and Technical Subcommittee.

6. The distinction between the legal regimes applicable to outer space and airspace made it necessary to delimit those regimes and give them an appropriate legal form. In the light of the continuing exploration of outer space and the use of aerospace objects, that problem was becoming increasingly relevant. His delegation had repeatedly supported the proposal that the lower limit of extraterrestrial space should correspond to the minimum perigees of artificial satellites; however, so far it had not been possible to reach agreement in that regard. In his opinion, the Subcommittee should, for the time being, put aside consideration of that question and concentrate on the legal aspects of the use of aerospace objects within certain altitude limits. The questions raised in working paper A/AC.105/C.2/L.189, submitted by the Russian Federation, could be considered in detail. Once again, he called upon all members of the Subcommittee and the best legal experts from all countries to work together to find answers to those questions. The competent agencies and organizations of the Russian Federation were continuing to study the question of the legal regime applicable to the use of aerospace systems.

7. The fact that the Subcommittee was concentrating on the consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States was indisputable proof that outer space exploration was becoming a world-wide phenomenon. The Russian Federation hoped that all interested States, in particular the developing countries, would be given the greatest possible opportunity to participate in space activities on mutually advantageous terms.

8. Mr. GRANOW (Germany) said that his delegation associated itself with other delegations that had expressed their satisfaction at the adoption of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. However, it was important to bear in mind that the Principles dealt with an area of high technology in which scientific progress was constantly taking place. That was why the Principles provided for a review process, which would enable States to adapt the Principles to their new technologies without altering the safety norms that had been agreed after years of negotiation.

9. Mr. HODGKINS (United States of America) said that his delegation was reviewing its position regarding the use of nuclear power sources in outer space, and it would refrain from proposing revisions to the Principles at the current session. With respect to the overall work of the Subcommittee, he expressed concern that some delegations believed that the Committee and its Subcommittees should consider questions related to the militarization of outer space, since that would be detrimental to efforts to promote international cooperation for the peaceful use of outer space. Disarmament issues fell within the competence of the Conference on Disarmament and other competent international bodies.

(Mr. Hodgkins, United States of America)

10. The Subcommittee should further improve its use of conference services. His delegation welcomed the measures that had already been adopted at the suggestion of the Chairman, and it was prepared to meet in informal consultations to propose other specific ideas on the subject and to hear the views of other delegations.

QUESTION OF EARLY REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE (continued)

11. Mr. ORRICO (Mexico) said that the adoption of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space was an important step towards the achievement of a mandatory regime that would guarantee the peaceful use of outer space, despite the fact that, in order to ensure their adoption, their scope had been limited to the generation of electric power. The inclusion of the item on the question of early review and possible revision of the Principles in the agenda of the Subcommittee reflected a desire to ensure that the Principles did not lose their validity as a result of rapid technological progress. The Principles would be reopened for revision no later than two years after their adoption, and the current session provided an opportunity for a preliminary discussion of elements that could further improve the Principles.

12. His delegation wished to place on record that it considered it necessary to improve Principle 4, which dealt with safety assessment, by specifying time-frames for submitting to the Secretary-General, prior to each launch, the results of the safety assessment. In that regard, he pointed out the contradiction contained in paragraph 3 of Principle 4, which provided that "the results of this safety assessment ... shall be made publicly available prior to each launch" and that "the Secretary-General of the United Nations shall be informed on how States may obtain such results ... as soon as possible prior to each launch".

13. The Principles did not establish modalities or procedures for resolving a third State's possible disagreement with the safety assessment carried out by the launching State. Such impreciseness, in particular in Principle 4, should be eliminated with a view to providing more specific parameters for determining responsibilities in case of an accident.

14. Mr. YOUNG (United Kingdom) said that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, whose adoption by consensus had been welcomed by his delegation, provided that the principles would be reopened for revision by the Committee on the Peaceful Uses of Outer Space no later than two years after their adoption (Principle 11). It was clear from the manner in which consensus had been reached and the discussion of the Principles at the thirtieth session of the Scientific and Technical Subcommittee, which had begun with the consideration of a working paper submitted by his delegation (A/AC.105/C.1/L.187), that any perceived need to begin to revise the Principles would emanate from scientific and technical considerations and not legal ones. For that reason, his delegation doubted whether any detailed legal debate on the revision of the principles could be held at the current session. It would be better to wait until the Scientific and Technical Subcommittee had clearly identified the technical issues associated with the Principles and transmitted them to the Legal Subcommittee for any drafting that might be necessary.

15. Mr. HE Qizhi (China) requested the Bureau or the Secretariat to distribute to the members of the Subcommittee, for reference, copies of the working paper submitted to the Scientific and Technical Subcommittee by the United Kingdom (A/AC.105/C.1/L.187) and the working paper submitted by the Russian Federation (A/AC.105/C.2/L.189).

The meeting rose at 11.05 a.m.